

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHARON ZIEROTH,
Plaintiff,
v.
ALEX AZAR,
Defendant.

Case No. 20-cv-00172-MMC

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

Re: Dkt. No. 11

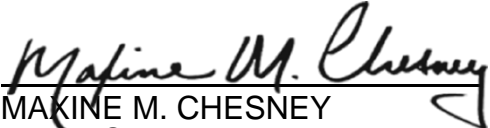
The Court is in receipt of plaintiff's Motion for Summary Judgment, filed January 15, 2020.

Plaintiff has not filed proof of service of the summons and complaint on defendant Alex Azar. Additionally, the instant action seeks judicial review of findings made by the Medicare Appeals Council and defendant, having not yet appeared, has not filed the administrative record. See Civil L.R. 16-5 (providing in actions for review on administrative record, defendant shall file answer and administrative record within ninety days of service of summons and complaint).

Accordingly, the motion is hereby DENIED, without prejudice to refiling after defendant has been served and has filed an answer and the administrative record. See Civil L.R. 16-5 (providing plaintiff shall file motion for summary judgment "[w]ithin 28 days of receipt of defendant's answer").

IT IS SO ORDERED.

Dated: January 17, 2020


MAKINE M. CHESNEY
United States District Judge